

Application No.: 10/028553

Case No.: 56009US002

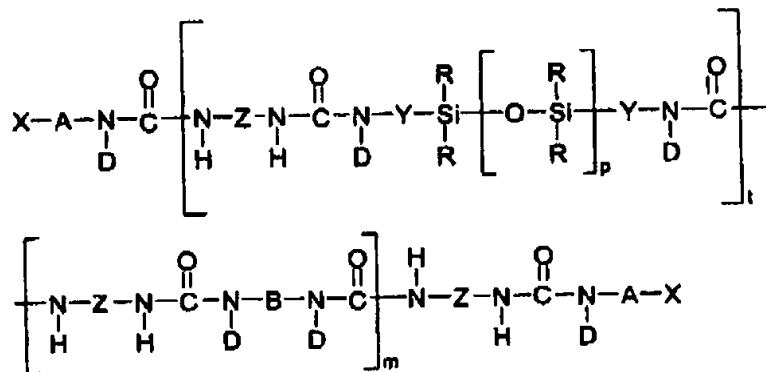
REMARKS

Claims 1, 3 – 8, 10 – 21, 23 – 36, and 38 – 45 are pending. Claims 1, 18, 19, and 36 were amended in Applicants' response on October 4, 2004, but the amendments were not entered. Applicants request that these previously filed amendments be entered and considered as part of the Request for Continued Examination under 37 CFR § 1.114.

Rejections Under 35 USC §§ 102/103

Claims 1 – 3, 7, 10, 13 – 20, 22, 23, 27, and 29 – 45 have been rejected under § 102(b) as being anticipated by or, in the alternative, under § 103(a) as being obvious over WO 96/34028 (Sherman et al.). The rejections are traversed for the following reasons.

As explained in Applicants' response on October 3, 2004, the curable polydiorganosiloxane oligoureia segmented copolymers disclosed in Sherman are end-capped, or terminated, on both ends. They are not "copolymers" in the regular sense of the word. This is apparent, for example, by the formula shown on page 10 of Sherman:

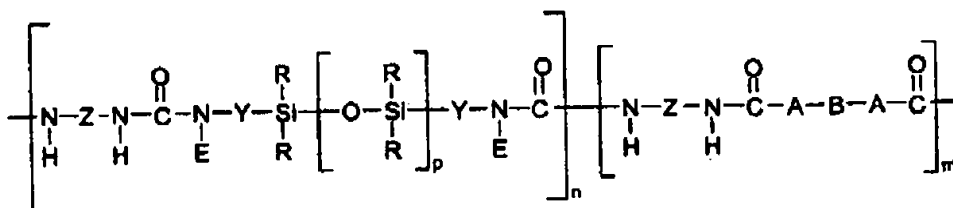


This formula clearly shows that the polydiorganosiloxane oligoureia segmented copolymers of Sherman are terminated by an endcapper X (see also, for example, page 13, lines 8 – 17, where X is referred to as an endcapper). Because of this endcapping, these "copolymers" cannot be copolymerized.

In contrast, Applicants' polydiorganosiloxane polyurea copolymer can, for example, comprise the following repeating unit:

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It is apparent from this formula (for example, by the lines extending from the brackets at the ends of the formula) that there is no endcapping.

In the Advisory Action, the Examiner has asserted that the example beginning at page 40 of Sherman discloses the ratio proposed in Applicants' last response. This example clearly demonstrates, however, that the polydiorganosiloxane oligourethane segmented copolymers of Sherman are terminated by an endcapper. The Examiner notes that the example includes 6.67 mmols of monoisocyanate, but appears to disregard that the monoisocyanate is connected to a methacrylate (that is, there is actually 6.67 mmols of isocyanatoethyl methacrylate). Isocyanatoethyl methacrylate is an "endcapping agent" (see, for example, page 17, lines 1 – 11). The resulting polydiorganosiloxane oligourethane segmented copolymers will therefore be endcapped with methacrylates on both ends.

Therefore, for this reason and the reasons provided in Applicants' previous communications, Sherman does not teach or suggest the claimed invention. Applicants respectfully request that the rejections under §§102/103 based on Sherman be withdrawn.

Rejections under § 103

Claims 8, 11, 12, 21, and 28 have been rejected under § 103(a) as being unpatentable over WO 96/34028 (Sherman et al.), and claims 1 – 7, 10, 13 – 20, 22 – 27, and 29 – 45 have been rejected under § 103(a) as being unpatentable over WO 96/34028 (Sherman et al.) in view of US Patent No. 4,882,377 (Sweet et al). The rejections are traversed for the following reasons.

As discussed in Applicants' previous response, neither Sherman nor Sweet appears to teach or suggest a polydiorganosiloxane polyurethane copolymer having a mole ratio of isocyanate to amine in a range of about 0.9:1 to about 1.1:1. Applicants therefore respectfully request that the rejection under § 103 based upon Sherman in view of Sweet be withdrawn.

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Respectfully submitted,

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Date

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